

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHERYL THOMAS,

Plaintiff,

3:11-CV-0589
(GTS/ESH)

-vs-

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

APPEARANCES:

OF COUNSEL:

LACHMAN & GORTON
Counsel for Plaintiff
P.O. Box 89
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Endicott, NY 13761

PETER A. GORTON, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REGIONAL GENERAL COUNSEL
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, NY 10278

SATHYA OUM, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Earl S. Hines, filed on September 19, 2012, recommending that (1) Defendant's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) Defendant's decision denying disability benefits be reversed, and the case be remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 12.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. After carefully reviewing all of the papers herein,

including Magistrate Judge Hines' thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; Defendant's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; Defendant's decision denying disability benefits is reversed; and the case is remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hines' Report-Recommendation (Dkt. No. 19) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

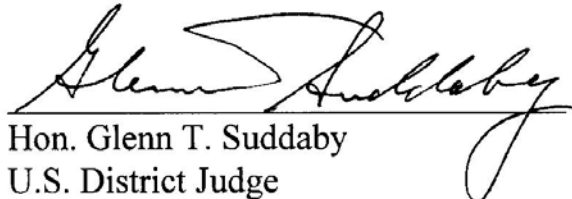
ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 15) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 14) is **GRANTED**; and it is further

ORDERED that Defendant's decision denying disability benefits is **REVERSED**; and it is further

ORDERED that this matter is **REMANDED** to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: October 30, 2012
Syracuse, New York


Hon. Glenn T. Suddaby
U.S. District Judge